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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/594,461	06/14/2000	Michael E Gaddis	HO-P02426US0	7470

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EXAMINER

VU, VIET DUY

ART UNIT

PAPER NUMBER

2154

DATE MAILED: 04/02/2004

12

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/594,461

Applicant(s)

GADDIS ET AL.

Examiner

Viet Vu

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 February 2004.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-72 is/are pending in the application.
4a) Of the above claim(s) 1-6 and 58-61 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 7-57 and 62-72 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2.8.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

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1. The abstract is objected to because it contains two paragraphs. Applicant is requested to revise the abstract such that it would include only a single paragraph.

2. Claims 1-6 and 58-61 have been withdrawn by applicant in response to the restriction requirement mailed 9/30/04. Applicant is required to cancel these withdrawn claims in the next correspondence.

Art Rejections:

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 7-57 and 62-72 are rejected under 35 U.S.C. 103(a) as being unpatentable over Petersen et al, U.S. pat. No. 6,178,235 in view of Salama et al, U.S. pat. No. 6,584,093.

Per claims 7-8 and 10-13, Petersen discloses a system and method for dynamically modifying mapping data in the network router comprising:

- a) monitoring the entries of a plurality of messages (e.g. switching points) arriving from the plurality of networks (see col 4, lines 10-65),
- b) correlating the plurality of messages with their associated routes and determining if the amount of messages arriving from a first path/route exceeds a first threshold amount (see col 5, lines 8-15),
- c) using the monitored and computed data to implement a modified routing data in the router, e.g., selecting or adding new routes (see col 6, lines 19-61).

Petersen does not explicitly teach using address space map to implement routing data in the router. The use of address space map as routing data is well known in the art as disclosed by Salama. Particularly the packet source addresses or ranges of addresses are used to develop an address space map of the system (see Salama's col 9, line 19 - col 10, lines 23 and col 21, lines 1-33).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize Salama's address space map in Petersen because it would have enabled implementing Petersen's teachings in the internetwork multi-protocol gateway/router.

Per claims 9 and 14-15, Salama also teaches constructing new route by adding or selecting different hops from the old route (e.g., deaggregating a published route) (see Salama's cols 11-18).

It is further noted that the teachings from Petersen and Salama obviously encompass all limitations recited in claims 16-38.

Claims 39-57 and 62-72 are similar in scope as that of claims 7-38 and hence are rejected for the same rationale set forth above for claims 7-38.

Conclusion:

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Viet Vu whose telephone number is 703-305-9597. The examiner can normally be reached on Monday through Thursday from 8:00am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee, can be reached on (703) 305-8498.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the

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Group receptionist whose telephone number is 703-305-9600. The
Group fax number is 703-872-9306.



VIET D. VU
PRIMARY EXAMINER

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3/30/04